

REMARKS

Claims 20-38 are pending in the application.

The Examiner has required an Election of Species pursuant to 35 USC 121. Applicant respectfully traverses this requirement, in particular on the basis that such an election requirement, which is applicable only in national applications filed under 35 USC 111 (a) [see MPEP 801], is not appropriate for the national stage of a PCT application filed under 35 USC 371, with only unity of invention procedure being applicable to such a national stage application under the rules defined in MPEP 1893.03 (d). Furthermore, pursuant to MPEP 1850 I, third paragraph, during the national stage of an application filed under 35 USC 371, PCT Rules 13.1 and 13.2 will be followed when considering unity of invention of the claims of different categories without regard to the practice in national applications filed under 35 USC 111.

Nonetheless, prior to explaining specifically why there is clearly unity of invention in the claims of the present application, in order to be responsive to the Examiner's requirement, applicant elects the species of Fig. 3 for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. In this regard, although the Examiner has indicated that there is no generic claim, both of the independent claims 20 and 29 are in fact generic. With regard to the identification of the claims encompassing the elected species, applicant respectfully submits that all of claims 20-38 encompass the elected species.

Returning to applicant's traverse of the Examiner's election of species requirement, applicant would like to point out that the concept of unity of invention (see MPEP 1893.03 (d)) allows an applicant to have more than one invention in a single application when the inventions are

linked by a single general inventive concept. Inventions are considered linked when there is at least one **common or corresponding** special technical feature.

In this regard, applicant respectfully submits that both method claim 20 and arrangement claim 29 cover the same inventive concept of reducing a draft effect of a flue duct upon an upstream exhaust gas cleaning system. In particular, according to these two independent claims 20 and 29, a downwardly open flue duct 1, 1' is extended or immersed into a vat 12 in such a way that with the aid of a liquid that has collected in the vat, a liquid barrier is formed that is adapted to close off a flue gas end of the flue duct 1, 1' relative to the environment. To relieve the upstream exhaust gas cleaning system from the draft effect of the flue duct, at least a portion of a cross-section of the flue duct 1, 1' is exposed by lowering the level of the liquid in the vat 12 below an edge of the flue duct.

It should be noted that the embodiment of Fig. 4 differs from that of Fig. 3 in that the lower, open end 19 of the flue duct 1', which is to be closed by the discharge plate assembly 10', is tapered or narrowed by means of a drawn-in portion 21, so that only a partial cross-section of the flue duct is exposed in the open position illustrated in Fig. 4. In all other respects, the embodiment of the arrangement of Fig. 4 corresponds to that of the arrangement of Fig. 3 (see also page 12, lines 6-14, of the specification of the instant application). The difference between the embodiments of Figs. 3 and 4 relates to a beneficial form of the lower open end of the flue duct, namely the tapered drawn-in portion 21 of Fig. 4. However, please note that there is no claim drawn to this tapered drawn-in portion. Thus, applicant respectfully submits that both of the independent claims 20 and 29 are generic to the species of Figs. 3 and 4, and that all of claims 20-38 encompass either one of the two species.

In view of the foregoing, applicant respectfully requests that the election of species requirement be withdrawn, and that all of pending claims 20-38 be examined. In addition, should the Examiner have any further comments or suggestions, or wish to discuss the merits of the

application, the undersigned would very much welcome a telephone call in order to be able to resolve any outstanding issues and to expedite placement of the application into condition for allowance.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Robert W. Becker".

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